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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,876	08/18/1999	MARTIN D. MOODY	19317/101/10	7060

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

T.R

Office Action Summary

Application No.

09/376,876

Examiner

George Eng

Applicant(s)

MOODY, MARTIN D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 10/10/2000 (paper no. 2) has been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "58" has been used to designate both a telephone handset and a third database. Correction is required.

Claim Objections

3. Claims 1 and 13 are objected to because of the following informalities: claim 1, line 12, "invidia" should be --indicia--, and "the" should be --a--; and claim 13, line 2, "an" should be --said--, and line 5, "an" should be --said--. Appropriate correction is required.
4. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears that the claimed limitation of claim 7, "said apparatus comprises said voice system means for administration", fail to further limit the subject matter of the previous claim because such limitations has been defined in the previous claim (see preamble of claim 6).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to described means for replicating at least one common information element regarding status of all potential call initiators from said first database in a reformatted presentation. In this office action, means for replicating will be interpreted as means for manipulating as claimed in claim 4.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the phrase "such a message" renders the claim indefinite because it is unclear whether the limitation is referring to an emergency text message or not.

Claim 14 contains the same phrase so that claim 14 is rejected as the same reason set forth in claim 12.

In addition, claim 14 recites the limitation "the transmission point" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Chavous (US PAT. 5,161,180).

Regarding claim 1, Chavous discloses a call interceptor, read as an emergency message processor, in a network having multiple transmission sources, i.e., multiple extensions (col. 3 lines 19-21) comprising a database maintaining emergency message indicia representative of the multiple transmission sources (i.e., number and location of multiple extensions) to be transmitted under emergency circumstances (col. 3 lines 35-40 and col. 4 lines 4-7) and destination address information (106) to which the indicia is to be transmitted (col. 3 lines 30-34 and col. 4 lines 18-19), an initiator, i.e., a panic button, for implementing transmission, with minimal volitional activity, of said message indicia when said emergency circumstances occur (col. 3 lines 3-10 and col. 5 lines 6-20), and means for providing emergency message representative of a transmission

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source implementing transmission to an emergency database (116) from the database of the call interceptor (col. 3 lines 41-48, col. 4 lines 32-36 and col. 7 lines 11-14).

Regarding claim 2, Chavous teaches the call interceptor interfacing with a PBX (figure 1 and col.2 lines 53-60).

Regarding claim 3, Chavous teaches the call interceptor further comprising means for managing the PBX, i.e., allowing user to dial local or long distance calls going through the PBX (col. 4 lines 20-21 and col.7 lines 31-35).

Regarding claim 5, Chavous teaches means (116) for concurrently transmitting emergency message indicia (i.e., the extension number and location of the calling extension) to a monitoring location (108) proximate a transmission source experiencing the emergency circumstance (col. 3 lines 30-40 and col. 7 lines 41-68).

11. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dounies (US PAT. 5,343,509 hereinafter Dounies).

Regarding claim 12, Dounies discloses an apparatus, interfacing with a transmission point (i.e., emergency transmitter A) being connected in a telephony circuit (i.e., telephone switching system C) as shown in figure 1 for transmitting a message under emergency circumstances (col. 4 lines 41-48), comprising means for maintaining an emergency message text (col. 4 lines 58-61, col. 7 lines 4-12 and col. 9 lines 24-44) including information relative to an item of operation of the transmission point, in memory at the transmission point (col. 2 line 54 through col. 3 line 2), means for maintaining a destination addresses for the message in the memory at the transmission point (col. 4 lines 56-58 and col. 6 lines 26-32), and means (i.e.,

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main activating switch), requiring minimum volitional activity on the part of an operator at the transmission point, for initiating transmission of the message through the telephony circuit upon occurrence of an emergency (col. 6 lines 14-22 and lines 39-41).

Regarding claim 13, Dounies teaches the means for maintaining the emergency message text in memory at the transmission point comprising a personal computer, i.e., computer D (col. 7 lines 4-12) and the means for initiating transmission of the message through the telephony circuit upon occurrence of the emergency comprising a switch, i.e., main activating switch 3, (col. 6 lines 14-48). Note while Dounies teaches that the personal computer D connected to the emergency transmitter A through a telephone K without via a computer network as shown in figure 1 (col. 7 lines 9-10). Thus, the switch located on the emergency transmitter is in close proximity to the personal computer.

Regarding claim 14, Dounies discloses an apparatus, interfacing with an emergency transmitter A having access to a computer network F, i.e., the Internet, as shown in figure 1 for transmitting a message under emergency circumstances (col. 4 lines 41-48), comprising means (i.e., computer D or facsimile E) for maintaining an emergency message text (col. 4 lines 58-61, col. 7 lines 4-12 and col. 9 lines 24-44) including information relative to an item of operation of emergency transmitter, in memory at the emergency transmitter (col. 2 line 54 through col. 3 line 2), means (i.e., user telephone G) for maintaining a destination addresses for the message in the memory at the emergency transmitter (col. 4 lines 56-58 and col. 6 lines 26-32), and means (i.e., main activating switch), requiring minimum volitional activity on the part of an operator at the transmission point, for initiating transmission of the message through the telephony circuit upon occurrence of an emergency (col. 6 lines 14-22 and lines 39-41). Note while Dounies does not

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specifically discloses the emergency transmitter is a computer, Dounies disclose the emergency transmitter with the structures and functions as the same as the computer comprising a CPU, memory, disk drive, display, input keys for accepting structured input, processing it according to prescribed rules, and produced the result as output (col. 3 line 21 through col. 4 line 18) so that the emergency transmitter is interpreted as the computer. Therefore, this limitation is also met by Dounies.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chavous (US PAT. 5,161,180) in view of Dounies (US PAT. 5,343,509 hereinafter Dounies).

Regarding claim 3, Chavous teaches the call interceptor comprising a programmable memory for storing location and identification data of a plurality of telephones (col. 2 lines 60-62). Chavous differs from the claimed invention in not specifically teaching the call interceptor comprising means for manipulating said indicia. However, Dounies teaches to use of external changeable data storages device for manipulating user-stored information (col. 2 line 59 through col. 3 line 2 and col. 7 lines 4-12). Chavous and Dounies are combinable because they are in the same field of endeavor, i.e., a device used for automatic identifying, in cooperative association

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with an emergency system, location information of an emergency call. The motivation to combine Chavous with Dounies is to make easier to update user-stored information. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chavous in having means for manipulating said indicia as taught by Dounies.

14. Claims 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chavous (US PAT. 5,161,180) in view of Robbins (US PAT. 6,104,784).

Regarding claim 6, Chavous discloses an apparatus, i.e., call interceptor, for facilitating implementation of a feature of a voice system, having means for administration, in which an emergency call can be initiated (col. 2 lines 53-60 and col. 4 lines 15-24), comprising a first database for storing information elements regarding status of potential call initiators, wherein the first database accesses the information elements regarding status of potential call initiators (col. 3 lines 21-24 and col. 7 lines 11-13), means (130) for providing initiator status information elements to a third emergency system database (134) from said first database (col. 4 lines 32-36), and means for transmitting at least one element of initiator status from said first database to a network with which the voice system interface (col. 3 lines 35-40 and col. 7 line 14). Chavous differs from the claimed invention in not specifically teaching the first database interfacing with a second voice system database. However, Robbins teaches an emergency service call system comprising a first database (45) interfacing with a second interface (46) to insure that service is not interrupted if the first database fails (col. 3 lines 6-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chavous in having the first database interfacing with the second database, as per teaching of

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Robbins, because it ensures that the emergency call service is able to be provided by the second database even through the first database fails.

Regarding claim 7, Chavous discloses the apparatus comprising voice system means for administration for processing calls (col. 3 lines 27-34 and col. 7 lines 31-35).

Regarding claim 8, Chavous discloses the apparatus further comprising means (130) associated with the voice system for interrogating the apparatus and wherein said means for transmitting said at least one element of initiator status transmits in response to interrogation by said means for interrogating (col. 3 lines 34-40 and col. 7 lines 6-14).

Regarding claim 9, Chavous teaches that said means for interrogating the apparatus is activated by the initiation of an emergency call (col. 3 lines 29-40 and col. 7 lines 36-44).

Regarding claim 11, Chavous teaches means (116) for concurrently transmitting said at least one element of initiator status (i.e., the extension number and location of the calling extension) to a monitoring location (108) proximate an emergency call initiator (col. 3 lines 30-40 and col. 7 lines 41-68).

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chavous (US PAT. 5,161,180) in view of Robbins (US PAT. 6,104,784) as applied in claim 8 above, and further in view of Dounies (US PAT. 5,343,509 hereinafter Dounies).

Regarding claim 10, the combination of Chavous and Robbins differs from the claimed invention in not specifically teaching the call interceptor comprising means for manipulating at least one common information element regarding status of all potential call initiator from said first database prior to initiation of an emergency call. However, Dounies teaches to use of

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external changeable data storages device for manipulating user-stored information such as at least one common information element regarding status of all potential call initiators (col. 2 line 59 through col. 3 line 2 and col. 7 lines 4-12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Chavous and Robbins in having means for manipulating user-stored information because it makes easier to update user-stored information.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoskinson et al. (US PAT. 5,339,351) teaches a 911 emergency response system including a location identification module associated with each residence or each extension of a PBX (abstract). Thompson (US PAT. 5,109,399) teaches a computer-based system for providing a voice connection as well as displaying a map showing a location of a calling party and other relevant textual information upon receipt an emergency call (col. 1 line 63 through col. 2 line 19). Stoner (US PAT. 6,266,397) discloses a method to be used in a voice system for transmitting extended station information to an emergency call handling center (abstract).

17. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in cursive script that reads "George Eng".

GEORGE ENG
PATENT EXAMINER
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